

Senate File 2218 - Introduced

SENATE FILE 2218
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2008)

A BILL FOR

1 An Act relating to the possession and administration of
2 emergency drugs by first responders and other persons in a
3 position to assist for purposes of treating drug overdose
4 victims and including contingent implementation provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.190 Possession and
2 administration of opioid antagonists.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 *a. "Opioid antagonist"* means the same as defined in section
6 147A.1.

7 *b. "Opioid-related overdose"* means the same as defined in
8 section 147A.1.

9 *c. "Person in a position to assist"* means a family member,
10 friend, caregiver, health care provider, employee of a
11 substance abuse treatment facility, or other person who may be
12 in a place to render aid to a person at risk of experiencing an
13 opioid-related overdose.

14 2. A person in a position to assist may possess and provide
15 or administer an opioid antagonist to an individual if the
16 person in a position to assist reasonably and in good faith
17 believes that such individual is experiencing an opioid-related
18 overdose.

19 3. A person in a position to assist who has acted reasonably
20 and in good faith shall not be liable for any injury arising
21 from the provision, administration, or assistance in the
22 administration of an opioid antagonist as provided in this
23 section.

24 Sec. 2. Section 147A.1, Code 2016, is amended by adding the
25 following new subsections:

26 NEW SUBSECTION. 6A. *"First responder"* means an emergency
27 medical care provider, a fire fighter, or a peace officer as
28 defined in section 801.4 who is trained and authorized to
29 administer an opioid antagonist.

30 NEW SUBSECTION. 6B. *"Licensed health care professional"*
31 means the same as defined in section 280.16.

32 NEW SUBSECTION. 6C. *"Opioid antagonist"* means a drug that
33 binds to opioid receptors and blocks or inhibits the effects of
34 opioids acting on those receptors, including but not limited
35 to naloxone hydrochloride or any other similarly acting drug

1 approved by the United States food and drug administration.

2 NEW SUBSECTION. 6D. "*Opioid-related overdose*" means
3 a condition affecting a person which may include extreme
4 physical illness, a decreased level of consciousness,
5 respiratory depression, a coma, or the ceasing of respiratory
6 or circulatory function resulting from the consumption or use
7 of an opioid, or another substance with which an opioid was
8 combined.

9 Sec. 3. NEW SECTION. 147A.18 Possession and administration
10 of an opioid antagonist — immunity.

11 1. Notwithstanding any other provision of law to the
12 contrary, a licensed health care professional may prescribe
13 an opioid antagonist in the name of a service program, law
14 enforcement agency, or fire department to be maintained for use
15 as provided in this section.

16 2. A service program, law enforcement agency, or fire
17 department may obtain a prescription for and maintain a supply
18 of opioid antagonists. A service program, law enforcement
19 agency, or fire department that obtains such a prescription
20 shall replace an opioid antagonist upon its use or expiration.

21 3. A first responder employed by a service program, law
22 enforcement agency, or fire department that maintains a supply
23 of opioid antagonists pursuant to this section may possess
24 and provide or administer such an opioid antagonist to an
25 individual if the first responder reasonably and in good faith
26 believes that such individual is experiencing an opioid-related
27 overdose.

28 4. The following persons, provided they have acted
29 reasonably and in good faith, shall not be liable for any
30 injury arising from the provision, administration, or
31 assistance in the administration of an opioid antagonist as
32 provided in this section:

33 a. A first responder who provides, administers, or assists
34 in the administration of an opioid antagonist to an individual
35 as provided in this section.

1 to naloxone hydrochloride or any other similarly acting drug
2 approved by the United States food and drug administration.
3 The bill defines "opioid-related overdose" as a condition
4 affecting a person which may include extreme physical illness,
5 a decreased level of consciousness, respiratory depression, a
6 coma, or the ceasing of respiratory or circulatory function
7 resulting from the consumption or use of an opioid, or another
8 substance with which an opioid was combined. The bill defines
9 "person in a position to assist" as a family member, friend,
10 caregiver, health care provider, employee of a substance
11 abuse treatment facility, or other person who may be in a
12 place to render aid to a person at risk of experiencing an
13 opioid-related overdose.

14 The bill enacts new Code section 135.190, which provides
15 that a person in a position to assist may possess and provide
16 or administer an opioid antagonist to an individual if the
17 person in a position to assist reasonably and in good faith
18 believes that such individual is experiencing an opioid-related
19 overdose. New Code section 135.90 also provides that a person
20 in a position to assist who acted reasonably and in good faith
21 shall not be liable for any injury arising from the provision,
22 administration, or assistance in the administration of an
23 opioid antagonist.

24 The bill enacts new Code section 147A.18, which provides
25 that a licensed health care professional may prescribe an
26 opioid antagonist in the name of a service program, law
27 enforcement agency, or fire department. The service program,
28 law enforcement agency, or fire department may maintain a
29 supply of opioid antagonists. From that supply, a first
30 responder may possess and administer an opioid antagonist to
31 an individual, so long as the first responder reasonably and
32 in good faith believes that such individual is experiencing an
33 opioid-related overdose.

34 New Code section 147A.18 also provides immunity from legal
35 liability to any first responder, emergency medical service

1 program, law enforcement agency, fire department, and the
2 person who prescribed the opioid antagonist from any injury
3 arising from the provision or administration of an opioid
4 antagonist, so long as such person acted reasonably and in good
5 faith.

6 New Code section 147A.18 also directs the department of
7 public health to adopt rules to implement and administer the
8 bill, including but not limited to standards and procedures
9 for the prescription, distribution, storage, replacement, and
10 administration of opioid antagonists, and for the training and
11 authorization to be required for first responders to administer
12 an opioid antagonist.

13 The bill provides that the implementation of new Code
14 section 147A.18 is contingent upon the availability of funding.